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July 29, 2015

Hon. Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: United States v. Phillip Kenner
Docket Number: 13-607 (JFB)

Dear Judge Bianco:

In light of the acquittal of the defendant, Phillip A. Kenner, on Counts Five, Six and Eight of the superseding indictment, the defendant will not be filing a motion pursuant to Rule 29 of the Federal Rules of Criminal Procedure with respect to the verdicts of guilty on remaining counts of the superseding indictment.

Having conferred with Robert R. LaRusso, Esq., however, the defendant intends to join in the motion of the defendant, Tommy C. Constantine, to be filed pursuant to Rule 33 of the Federal Rules of Criminal Procedure insofar as such motion presents common issues of law and fact for the Court's consideration.

Very truly yours,

Richard D. Haley

RICHARD D. HALEY

TO: Clerk of the Court (ECF)
AUSA James M. Miskiewicz via ECF
AUSA Saritha Komatireddy via ECF
Robert R. LaRusso, Esq. via ECF